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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,941	07/11/2003	Hirohide Tachikawa	03500.017468.	3020
5514 7590 11/01/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER DINH, MINH	
			ART UNIT 2132	PAPER NUMBER
			MAIL DATE 11/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/616,941

Applicant(s)

TACHIKAWA, HIROHIDE

Examiner

Minh Dinh

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the RCE/amendment filed 08/23/07.

Claims 1-3, 5-6, 11-15 have been amended.

2. Claim 10 has the status identifier of "Currently Amended", but there is no change in the claim. Therefore, claim 10 is treated as being not amended. Applicant is required to indicate in the next response if this is an error.

Response to Arguments

3. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smeets et al. (US 7,020,456) in view of Lewis (6,526,506). Smeets discloses a method and system for network configuration in a wireless network, i.e., a Bluetooth network, comprising an access point device (fig. 2, element 202) and at least one client terminal (fig. 2, element 201; col. 9, lines 33-53).

Regarding claim 1 being representative of claims 2, 6-9, and 11-15, Smeets specifically discloses a method comprising:

an access point device receiving a network configuration request for configuring a new wireless network comprising the access point device and at least one client terminal (fig. 5a, step 503; col. 12, lines 11-29);

a first link establishing step of establishing, between the access point device and a client terminal, a first wireless communication link through a first encrypted communication that does not require an authentication process (fig. 5a, step 509; col. 12, lines 52-64);

a sending step of sending authentication data from said access point device to said client terminal in a state where the first wireless communication link through said first encrypted communication is established, i.e., sending the link key from the access point device to the client terminal wherein the link key is encrypted using a shared initialization key (fig. 5a, step 509; col. 12, lines 52-64);

a link discarding step of discarding the first wireless communication link through said first encrypted communication between said access point device and said client terminal in response to the sending of the authentication data to the client terminal by the access point device at said sending step, i.e., no longer using the shared initialization key (col. 13, lines 5-14); and

a second link establishing step of establishing, between said access point device and said client terminal, a second wireless communication link through a second encrypted communication (fig. 5a, step 513) that requires an authentication process using the authentication data sent to said client terminal after discarding the first communication link at said link discarding (fig. 5a, step 512; col. 13, lines 5-14).

Smeets does not disclose a determination step of determining whether or not the client terminal is authorized to be configured in the network with the access point device. Lewis discloses a method for network configuration in a wireless network comprising an access point device and at least one client terminal wherein after receiving a configuration request from the client terminal, the access point determines whether or not the client terminal is authorized to be configured in the network with the access point device; and the access point denies the request if the client terminal is not authorized (fig. 1; fig. 11, steps 300-304; col. 16, lines 48-65). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify Smeets method such that the access point determines whether or not the client terminal is authorized to be configured in the network with the access point device, and the access point denies the request if the client terminal is not authorized, as taught by Lewis. The motivation for doing so would have been to prevent unauthorized client terminals from gaining access to the network.

Regarding claims 3-5, Smeets further discloses that the access point connects to multiple client terminals but the link key is only sent to a specific client terminal (col. 12, lines 9-20).

Regarding claim 10, Smeets does not disclose that the link key shared between the access point and the client terminal is effective only for a period of time. Lewis discloses that a key shared between the access point and the client terminal is effective for only a period of time (col. 12, lines 35-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Smeets method such that the link key shared between the access point and the client terminal is effective only for a period of time, as taught by Lewis. The motivation for doing so would have been to limit the damage in the event the key was compromised.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dinh whose telephone number is 571-272-3802. The examiner can normally be reached on Mon-Fri: 10:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/MD/
Minh Dinh
Examiner
Art Unit 2132

10/26/07



Benjamin E. Lander
Examiner DU 2132